

IN THE SUPERIOR COURT NO. 6
OF HAMILTON COUNTY

CAUSE NO. 29D06-

1. You have been charged with a Class D felony.
2. The maximum penalty for a Class D felony is three years imprisonment at the Department of Correction and a \$10,000 fine; the minimum penalty is six months imprisonment at the Department of Correction and no fine. However, you must pay court costs. If less than three years separate your discharge from parole, probation, or imprisonment (whichever is later) on a prior felony conviction and the commission of this offense, the Court may suspend only that part of the sentence over six months. Otherwise, the court may suspend all or any part of the penalty. If the Court suspends any part of your sentence, the Court must put you on probation.
3. Even though you are pleading to a Class D felony, the Court may convict you as a Class A misdemeanor unless you have received such treatment on a prior, unrelated Class D felony and that prior felony was committed within three years of the commission of this offense. The maximum penalty for a Class A misdemeanor is 365 days in jail and a fine of \$5,000. The minimum penalty for a Class A misdemeanor is no days in jail and no fine; however, court costs must be paid. Additionally, the Court may also put you on probation for one year.
4. If you are pleading guilty to more than one offense, the Court may impose the penalties concurrently (together) or consecutively (one after the other).
5. If you were on probation, on parole, had another pending charge, or were incarcerated at the time you committed this offense, your plea of guilty may have an adverse affect upon your probation, parole, or incarceration status, and any sentence that you may receive for this offense must be consecutive to any sentence for which you may be on probation or parole, or imprisoned.
6. If you have a prior history of juvenile or criminal offenses, that fact alone may cause you to receive a harsher penalty than you would otherwise receive.
7. You have the right to be represented by an attorney. If you cannot afford an attorney, the Court will appoint an attorney for you. An attorney can help you prepare your case for trial and subpoena witnesses for you. If you choose to proceed without an attorney, you will be giving up this assistance.
8. You have the right to a public and speedy trial by jury; the right to confront and cross-examine witnesses against you; the right to subpoena witnesses at no cost; the right to remain silent (you cannot be forced to testify against yourself at any hearing or trial); the right to require the State to prove you guilty beyond a reasonable doubt at a trial at which you do not have to testify, but in which you may testify if you wish; and the right to appeal your conviction or any decision made by the judge. By pleading guilty, you will give up each one of these rights, except the right to a direct appeal of sentence imposed as an "open" term of your agreement to plead guilty.
9. By signing this form, you are stating that your plea has been made knowingly and voluntarily and that no promises, threats, or force have been used to make you plead guilty.

10. If the offense to which you are pleading guilty involves the operation of a motor vehicle, notice of your conviction will be sent to the Bureau of Motor Vehicles and will count toward you being a Habitual Traffic Violator.
11. If you are pleading guilty to one of the following Class D felonies: Dealing in a Schedule V Controlled Substance (Ind. Code 35-48-4-4), Dealing in a Counterfeit Substance (Ind. Code 35-48-4-5), Possession of a Narcotic Drug (Ind. Code 35-48-4-6), Possession of a Controlled Substance (Ind. Code 35-48-4-7); Dealing in Marijuana (Ind. Code 35-48-4-10), or Possession of Marijuana (Ind. Code 35-48-4-11), and if the Court finds that you used a motor vehicle to commit the crime, then: (a) your license to operate a motor vehicle; (b) your existing motor vehicle registrations; and (c) your ability to register motor vehicles; all must be suspended for a period from six months to two years, as the Court determines.
12. If you are pleading guilty to Operating While Intoxicated (Ind. Code 9-30-5-3), your driving privileges shall be suspended for a period of one year to two years. Also, if you have one previous conviction of Operating While Intoxicated, you must imprisoned for at least five actual days or perform 180 hours of community service. If you have two or more previous convictions, you must be imprisoned for at least 10 actual days or perform 360 hours community service.
13. If you are pleading guilty to Operating While as a Habitual Traffic Violator (Ind. Code 9-30-10-16), your privileges of operating a motor vehicle shall be forfeited for life.
14. If you are pleading guilty to Driving While Suspended as a Class D felony, (Ind. Code 9-24-19-4), your driving privileges shall be suspended for a period from 90 days to two years.
15. If you are pleading guilty to a Class D felony that involves the use, abuse, delivery, transportation, possession, or manufacture of alcohol or drugs as material elements of the offense, then your conviction will count toward you being a Habitual Substance Offender. If you are admitting to being a Habitual Substance Offender while pleading guilty to a substance offense, the sentence for that offense will be enhanced by an additional executed term of at least three years but no more than eight years. Under certain circumstances, this additional term may be suspended or reduced to one year.
16. If you and the State have entered into a plea agreement on your case and the Judge accepts your guilty plea, the Judge must follow the plea agreement.
17. If you are placed on probation and you violate a condition of probation, a petition to revoke your probation may be filed within one year after the termination of your probation of 45 days after the State receives notice of the violation, whichever is earlier.
18. If you are placed on probation, you must sign an Order of Probation and agree to all of Hamilton County's standard conditions in addition to any special conditions imposed by the Court or by your plea agreement.

I hereby certify that I have been given the opportunity to read the probable cause affidavit filed in this case and the facts contained in it are true and constitute a factual basis for my plea. I also certify that I have read the above statements, understand each paragraph, and do waive and give up each and every right listed.

Defendant's Attorney

Defendant

Date: _____

Date: _____